

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DENNIS W. SOMERVILLE,

Petitioner,

v.

WARDEN MARTINEZ,

Respondent.

Case No. C06-5090RBL

ORDER ADOPTING REPORT  
AND RECOMMENDATION

The Court having reviewed the Report and Recommendation of the Hon. J. Kelley Arnold United States Magistrate Judge, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) The petition is **TRANSFERRED TO THE NINTH CIRCUIT AS A SECOND OR SUCCESSIVE PETITION.**
- (3) The clerk is directed to send copies of this Order to Petitioner, counsel for respondent and to the Hon. J. Kelley Arnold **AND TO ADMINISTRATIVELY CLOSE THIS FILE.**

DATED this 10<sup>th</sup> day of April, 2006.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE